AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3609

OFFERED BY MR. BARTON (FOR HIMSELF, MR. BOUCHER, MR. TAUZIN, AND MR. DINGELL)

Strike all after the enacting clause and insert the following:

- l section 1. short title; amendment of title 49,
- 2 UNITED STATES CODE; TABLE OF CONTENTS.
- 3 (a) SHORT TITLE.—This Act may be cited as the
- 4 "Pipeline Infrastructure Protection to Enhance Security
- 5 and Safety Act".
- 6 (b) Amendment of Title 49, United States
- 7 Code.—Except as otherwise expressly provided, whenever
- 8 in this Act an amendment or repeal is expressed in terms
- 9 of an amendment to, or a repeal of, a section or other
- 10 provision, the reference shall be considered to be made to
- 11 a section or other provision of title 49, United States
- 12 Code.
- (c) Table of Contents.—
 - Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
 - Sec. 2. One-call notification programs.
 - Sec. 3. One-call notification of pipeline operators.
 - Sec. 4. Protection of employees providing pipeline safety information.
 - Sec. 5. Safety orders.

- Sec. 6. Penalties.
- Sec. 7. Technical assistance to communities.
- Sec. 8. Population encroachment.
- Sec. 9. Pipeline integrity research, development, and demonstration.
- Sec. 10. Certification of pipeline qualification programs.
- Sec. 11. Additional gas pipeline protections.
- Sec. 12. Security of pipeline facilities.
- Sec. 13. National pipeline mapping system.
- Sec. 14. Coordination of environmental reviews.
- Sec. 15. Public right to know and pipeline security-sensitive information.
- Sec. 16. Nationwide toll-free number system.
- Sec. 17. Recommendations and responses.
- Sec. 18. Miscellaneous amendments.
- Sec. 19. Technical amendments.
- Sec. 20. Authorization of appropriations.
- Sec. 21. Inspections by direct assessment.

1 SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.

- 2 (a) Minimum Standards.—Section 6103 is
- 3 amended—
- 4 (1) in subsection (a)—
- 5 (A) in paragraph (1) by inserting ", in-
- 6 cluding all government operators" before the
- 7 semicolon at the end; and
- 8 (B) in paragraph (2) by inserting ", in-
- 9 cluding all government and contract exca-
- vators" before the semicolon at the end; and
- 11 (2) in subsection (c) by striking "provide for"
- and inserting "provide for and document".
- 13 (b) Compliance With Minimum Standards.—Sec-
- 14 tion 6104(d) is amended by striking "Within 3 years after
- 15 the date of the enactment of this chapter, the Secretary
- 16 shall begin to" and inserting "The Secretary shall".
- 17 (c) Implementation of Best Practices Guide-
- 18 LINES.—

1	(1) In General.—Section 6105 is amended to
2	read as follows:
3	"§ 6105. Implementation of best practices guidelines
4	"(a) Adoption of Best Practices.—The Sec-
5	retary of Transportation shall encourage States, operators
6	of one-call notification programs, excavators (including all
7	government and contract excavators), and underground
8	facility operators to adopt and implement practices identi-
9	fied in the best practices report entitled 'Common
10	Ground', as periodically updated.
11	"(b) Technical Assistance.—The Secretary shall
12	provide technical assistance to and participate in pro-
13	grams sponsored by a non-profit organization specifically
14	established for the purpose of reducing construction-re-
15	lated damage to underground facilities.
16	"(c) Grants.—
17	"(1) In General.—The Secretary may make
18	grants to a non-profit organization described in sub-
19	section (b).
20	"(2) Authorization of appropriations.—In
21	addition to amounts authorized under section 6107,
22	there is authorized to be appropriated for making
23	grants under this subsection \$500,000 for each of
24	fiscal years 2002 through 2005. Such sums shall re-
25	main available until expended.

1	"(3) General revenue funding.—Any sums
2	appropriated under this subsection shall be derived
3	from general revenues and may not be derived from
4	amounts collected under section 60301.".
5	(2) Conforming amendment.—The analysis
6	for chapter 61 is amended by striking the item relat-
7	ing to section 6105 and inserting the following:
	"6105. Implementation of best practices guidelines.".
8	(d) Authorization of Appropriations.—
9	(1) For grants for states.—Section
10	6107(a) is amended by striking "\$1,000,000 for fis-
11	cal year 2000" and all that follows before the period
12	at the end of the first sentence and inserting
13	"\$1,000,000 for each of fiscal years 2003 through
14	2006".
15	(2) For administration.—Section 6107(b) is
16	amended by striking "for fiscal years 1999, 2000,
17	and 2001" and inserting "for fiscal years 2003
18	through 2006".
19	SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERA-
20	TORS.
21	(a) Limitation on Preemption.—Section 60104(c)
22	is amended by adding at the end the following: "Notwith-
23	standing the preceding sentence, a State authority may
24	enforce a requirement of a one-call notification program
25	of the State if the program meets the requirements for

1	one-call notification programs under this chapter or chap-
2	ter 61.".
3	(b) Minimum Requirements.—Section 60114(a)(2)
4	is amended by inserting ", including a government em-
5	ployee or contractor," after "person".
6	(c) Criminal Penalties.—Section 60123(d) is
7	amended—
8	(1) in the matter preceding paragraph (1) by
9	striking "knowingly and willfully";
10	(2) in paragraph (1) by inserting "knowingly
11	and willfully" before "engages";
12	(3) by striking paragraph (2)(B) and inserting
13	the following:
14	"(B) a pipeline facility, and knows or has
15	reason to know of the damage, but does not re-
16	port the damage promptly to the operator of
17	the pipeline facility and to other appropriate
18	authorities; or"; and
19	(4) by adding after paragraph (2) the following:
20	"Penalties under this subsection may be reduced in the
21	case of a violation that is promptly reported by the viola-
22	tor.".

1	SEC. 4. PROTECTION OF EMPLOYEES PROVIDING PIPELINE
2	SAFETY INFORMATION.
3	(a) In General.—Chapter 601 is amended by add-
4	ing at the end the following:
5	"§ 60129. Protection of employees providing pipeline
6	safety information
7	"(a) Discrimination Against Employee.—(1) No
8	employer may discharge any employee or otherwise dis-
9	criminate against any employee with respect to his com-
10	pensation, terms, conditions, or privileges of employment
11	because the employee (or any person acting pursuant to
12	a request of the employee)—
13	"(A) provided, caused to be provided, or is
14	about to provide or cause to be provided, to the em-
15	ployer or the Federal Government information relat-
16	ing to any violation or alleged violation of any order,
17	regulation, or standard under this chapter or any
18	other Federal law relating to pipeline safety;
19	"(B) refused to engage in any practice made
20	unlawful by this chapter or any other Federal law
21	relating to pipeline safety, if the employee has iden-
22	tified the alleged illegality to the employer;
23	"(C) provided, caused to be provided, or is
24	about to provide or cause to be provided, testimony
25	before Congress or at any Federal or State pro-
26	ceeding regarding any provision (or proposed provi-

1	sion) of this chapter or any other Federal law relat-
2	ing to pipeline safety;
3	"(D) commenced, caused to be commenced, or
4	is about to commence or cause to be commenced a
5	proceeding under this chapter or any other Federal
6	law relating to pipeline safety, or a proceeding for
7	the administration or enforcement of any require-
8	ment imposed under this chapter or any other Fed-
9	eral law relating to pipeline safety;
10	"(E) provided, caused to be provided, or is
11	about to provide or cause to be provided, testimony
12	in any proceeding described in subparagraph (D); or
13	"(F) assisted or participated or is about to as-
14	sist or participate in any manner in such a pro-
15	ceeding or in any other manner in such a proceeding
16	or in any other action to carry out the purposes of
17	this chapter or any other Federal law relating to
18	pipeline safety.
19	"(2) For purposes of this section, the term 'employer'
20	means—
21	"(A) a person owning or operating a pipeline
22	facility; or
23	"(B) a contractor or subcontractor of such a
24	person.

1	"(b) Department of Labor Complaint Proce-
2	DURE.—
3	"(1) FILING AND NOTIFICATION.—A person
4	who believes that he or she has been discharged or
5	otherwise discriminated against by any person in
6	violation of subsection (a) may, not later than 180
7	days after the date on which such violation occurs,
8	file (or have any person file on his or her behalf) a
9	complaint with the Secretary of Labor alleging such
10	discharge or discrimination. Upon receipt of such a
11	complaint, the Secretary of Labor shall notify, in
12	writing, the person or persons named in the com-
13	plaint and the Secretary of Transportation of the fil-
14	ing of the complaint, of the allegations contained in
15	the complaint, of the substance of evidence sup-
16	porting the complaint, and of the opportunities that
17	will be afforded to such person or persons under
18	paragraph (2).
19	"(2) Investigation; preliminary order.—
20	"(A) IN GENERAL.—Not later than 60
21	days after the date of receipt of a complaint
22	filed under paragraph (1) and after affording
23	the person or persons named in the complaint
24	an opportunity to submit to the Secretary of
25	Labor a written response to the complaint and

an opportunity to meet with a representative of
the Secretary of Labor to present statements
from witnesses, the Secretary of Labor shall
conduct an investigation and determine whether
there is reasonable cause to believe that the
complaint has merit and notify in writing the
complainant and the person or persons alleged
to have committed a violation of subsection (a)
of the Secretary of Labor's findings. If the Sec-
retary of Labor concludes that there is reason-
able cause to believe that a violation of sub-
section (a) has occurred, the Secretary of Labor
shall include with the Secretary of Labor's find-
ings with a preliminary order providing the re-
lief prescribed by paragraph (3)(B). Not later
than 60 days after the date of notification of
findings under this subparagraph, any person
alleged to have committed a violation or the
complainant may file objections to the findings
or preliminary order, or both, and request a
hearing on the record. The filing of such objec-
tions shall not operate to stay any reinstate-
ment remedy contained in the preliminary
order. Such hearings shall be conducted expedi-
tiously. If a hearing is not requested in such

1	60-day period, the preliminary order shall be
2	deemed a final order that is not subject to judi-
3	cial review.
4	"(B) Requirements.—
5	"(i) Required showing by com-
6	PLAINANT.—The Secretary of Labor shall
7	dismiss a complaint filed under this sub-
8	section and shall not conduct an investiga-
9	tion otherwise required under subpara-
10	graph (A) unless the complainant makes a
11	prima facie showing that any behavior de-
12	scribed in paragraphs (1) through (4) of
13	subsection (a) was a contributing factor in
14	the unfavorable personnel action alleged in
15	the complaint.
16	"(ii) Showing by employer.—Not-
17	withstanding a finding by the Secretary of
18	Labor that the complainant has made the
19	showing required under clause (i), no in-
20	vestigation otherwise required under sub-
21	paragraph (A) shall be conducted if the
22	employer demonstrates, by clear and con-
23	vincing evidence, that the employer would
24	have taken the same unfavorable personnel
25	action in the absence of that behavior

1	"(iii) Criteria for determination
2	BY SECRETARY.—The Secretary of Labor
3	may determine that a violation of sub-
4	section (a) has occurred only if the com-
5	plainant demonstrates that any behavior
6	described in paragraphs (1) through (4) of
7	subsection (a) was a contributing factor in
8	the unfavorable personnel action alleged in
9	the complaint.
10	"(iv) Prohibition.—Relief may not
11	be ordered under subparagraph (A) if the
12	employer demonstrates by clear and con-
13	vincing evidence that the employer would
14	have taken the same unfavorable personnel
15	action in the absence of that behavior.
16	"(3) Final order.—
17	"(A) DEADLINE FOR ISSUANCE; SETTLE-
18	MENT AGREEMENTS.—Not later than 90 days
19	after the date of conclusion of a hearing under
20	paragraph (2), the Secretary of Labor shall
21	issue a final order providing the relief pre-
22	scribed by this paragraph or denying the com-
23	plaint. At any time before issuance of a final
24	order, a proceeding under this subsection may
25	he terminated on the basis of a settlement

1	agreement entered into by the Secretary of
2	Labor, the complainant, and the person or per-
3	sons alleged to have committed the violation.
4	"(B) Remedy.—If, in response to a com-
5	plaint filed under paragraph (1), the Secretary
6	of Labor determines that a violation of sub-
7	section (a) has occurred, the Secretary of Labor
8	shall order the person or persons who com-
9	mitted such violation to—
10	"(i) take affirmative action to abate
11	the violation;
12	"(ii) reinstate the complainant to his
13	or her former position together with the
14	compensation (including back pay) and re-
15	store the terms, conditions, and privileges
16	associated with his or her employment; and
17	"(iii) provide compensatory damages
18	to the complainant.
19	If such an order is issued under this paragraph,
20	the Secretary of Labor, at the request of the
21	complainant, shall assess against the person or
22	persons against whom the order is issued a sum
23	equal to the aggregate amount of all costs and
24	expenses (including attorney's and expert wit-
25	ness fees) reasonably incurred, as determined

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1	by the Secretary of Labor, by the complainant
2	for, or in connection with, the bringing the com-
3	plaint upon which the order was issued.
4	"(C) Frivolous complaints.—If the
5	Secretary of Labor finds that a complaint
6	under paragraph (1) is frivolous or has been
7	brought in bad faith, the Secretary of Labor
8	may award to the prevailing employer a reason-
9	able attorney's fee not exceeding \$1,000.
10	"(4) Review.—
11	"(A) APPEAL TO COURT OF APPEALS.—

(A) APPEAL TO COURT OF APPEALS.— Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, un-

1	less ordered by the court, operate as a stay of
2	the order.
3	"(B) Limitation on collateral at-
4	TACK.—An order of the Secretary of Labor
5	with respect to which review could have been
6	obtained under subparagraph (A) shall not be
7	subject to judicial review in any criminal or
8	other civil proceeding.
9	"(5) Enforcement of order by secretary
10	OF LABOR.—Whenever any person has failed to com-
11	ply with an order issued under paragraph (3), the
12	Secretary of Labor may file a civil action in the
13	United States district court for the district in which
14	the violation was found to occur to enforce such
15	order. In actions brought under this paragraph, the
16	district courts shall have jurisdiction to grant all ap-
17	propriate relief, including, but not to be limited to,
18	injunctive relief and compensatory damages.
19	"(6) Enforcement of order by parties.—
20	"(A) COMMENCEMENT OF ACTION.—A per-
21	son on whose behalf an order was issued under
22	paragraph (3) may commence a civil action
23	against the person or persons to whom such
24	order was issued to require compliance with
25	such order. The appropriate United States dis-

1	trict court shall have jurisdiction, without re-
2	gard to the amount in controversy or the citi-
3	zenship of the parties, to enforce such order.
4	"(B) ATTORNEY FEES.—The court, in
5	issuing any final order under this paragraph,
6	may award costs of litigation (including reason-
7	able attorney and expert witness fees) to any
8	party whenever the court determines such
9	award costs is appropriate.
10	"(c) Mandamus.—Any nondiscretionary duty im-
11	posed by this section shall be enforceable in a mandamus
12	proceeding brought under section 1361 of title 28, United
13	States Code.
14	"(d) Nonapplicability To Deliberate Viola-
15	TIONS.—Subsection (a) shall not apply with respect to an
16	action of an employee of an employer who, acting without
17	direction from the employer (or such employer's agent),
18	deliberately causes a violation of any requirement relating
19	to pipeline safety under this chapter or any other law of
20	the United States.".
21	(b) Civil Penalty.—Section 60122(a) is amended
22	by adding at the end the following:
23	"(3) A person violating section 60129, or an order
24	issued thereunder, is liable to the Government for a civil
25	penalty of not more than \$1,000 for each violation. The

- 1 penalties provided by paragraph (1) do not apply to a vio-
- 2 lation of section 60129 or an order issued thereunder.".
- 3 (c) Conforming Amendment.—The chapter anal-
- 4 ysis for chapter 601 is amended by adding at the end the
- 5 following:

"60129. Protection of employees providing pipeline safety information.".

6 SEC. 5. SAFETY ORDERS.

- 7 Section 60117 is amended by adding at the end the
- 8 following:
- 9 "(1) Safety Orders.—If the Secretary decides that
- 10 a pipeline facility has a potentially unsafe condition, the
- 11 Secretary may order the operator of the facility to take
- 12 necessary corrective action, including physical inspection,
- 13 testing, repair, replacement, or other appropriate action
- 14 to remedy the unsafe condition.".

15 SEC. 6. PENALTIES.

- 16 (a) Pipeline Facilities Hazardous to Life and
- 17 Property.—
- 18 (1) General Authority.—Section 60112(a)
- is amended to read as follows:
- 20 "(a) GENERAL AUTHORITY.—After notice and an op-
- 21 portunity for a hearing, the Secretary of Transportation
- 22 may decide that a pipeline facility is hazardous if the Sec-
- 23 retary decides that—
- 24 "(1) operation of the facility is or would be haz-
- ardous to life, property, or the environment; or

1	"(2) the facility is or would be constructed or
2	operated, or a component of the facility is or would
3	be constructed or operated, with equipment, mate-
4	rial, or a technique that the Secretary decides is
5	hazardous to life, property, or the environment.".
6	(2) Corrective action orders.—Section
7	60112(d) is amended by striking "is hazardous" and
8	inserting "is or would be hazardous".
9	(b) Enforcement.—(1) Section 60122(a)(1) is
10	amended—
11	(A) by striking "\$25,000" and inserting
12	"\$100,000"; and
13	(B) by striking "\$500,000" and inserting
14	"\$1,000,000".
15	(2) Section 60122(b) is amended by striking "under
16	this section" and all that follows through paragraph (4)
17	and inserting "under this section—
18	"(1) the Secretary shall consider—
19	"(A) the nature, circumstances, and grav-
20	ity of the violation, including adverse impact on
21	the environment;
22	"(B) with respect to the violator, the de-
23	gree of culpability, any history of prior viola-
24	tions, the ability to pay, and any effect on abil-
25	ity to continue doing business; and

1	"(C) good faith in attempting to comply;
2	and
3	"(2) the Secretary may consider—
4	"(A) the economic benefit gained from the
5	violation without any reduction because of sub-
6	sequent damages; and
7	"(B) other matters that justice requires.".
8	(3) Section 60120(a)(1) is amended by striking the
9	second sentence and inserting the following: "The Attor-
10	ney General may seek appropriate relief in such action,
11	including a temporary or permanent injunction, punitive
12	damages, and assessment of civil penalties, and the court
13	may award such relief as appropriate.".
14	SEC. 7. TECHNICAL ASSISTANCE TO COMMUNITIES.
15	(a) Grant Authority.—The Secretary of Transpor-
16	tation may make grants for technical assistance to local
17	communities and nonprofit organizations relating to the
18	safety of pipelines in local communities.
19	(b) Prohibited Uses.—Funds provided under this
20	section may not be used for lobbying or in direct support
21	of litigation.
22	(c) AUTHORIZATION OF APPROPRIATIONS.—There
23	are authorized to be appropriated to the Secretary of
24	Transportation for carrying out this section \$1,000,000
25	for each of the fiscal years 2003 through 2006. Such

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1	amounts shall not be derived from user fees collected
2	under section 60301.
3	SEC. 8. POPULATION ENCROACHMENT.
4	Section 60127 is amended to read as follows:
5	"§ 60127. Population encroachment
6	"(a) Study.—The Secretary of Transportation, in
7	conjunction with the Federal Energy Regulatory Commis-
8	sion and in consultation with appropriate Federal agencies
9	and State and local governments, shall undertake a study
10	of land use practices and zoning ordinances with regard
11	to pipeline rights-of-way.
12	"(b) Purpose of Study.—The purpose of the study
13	shall be to gather information on land use practices and
14	zoning ordinances—
15	"(1) to determine effective practices to limit en-
16	croachment on existing pipeline rights-of-way;
17	"(2) to address and prevent the hazards and
18	risks to the public, pipeline workers, and the envi-
19	ronment associated with encroachment on pipeline
20	rights-of-way; and
21	"(3) to raise the awareness of the risks and
22	hazards of encroachment on pipeline rights-of-way.

"(c) Considerations.—In conducting the study, the

Secretary shall consider, at a minimum, the following:

1	"(1) The legal authority of Federal agencies
2	and State and local governments in controlling land
3	use and the limitations on such authority.
4	"(2) The current practices of Federal agencies
5	and State and local governments in addressing land
6	use issues involving a pipeline easement.
7	"(3) The most effective way to encourage Fed-
8	eral agencies and State and local governments to
9	monitor and reduce encroachment upon pipeline
10	rights-of-way.
11	"(d) Report.—
12	"(1) IN GENERAL.—Not later than 1 year after
13	the date of enactment of this subsection, the Sec-
14	retary shall publish a report identifying practices,
15	laws, and ordinances that are most successful in ad-
16	dressing issues of encroachment on pipeline rights-
17	of-way so as to more effectively protect public safety,
18	pipeline workers, and the environment.
19	"(2) Distribution of Report.—The Sec-
20	retary shall provide a copy of the report to—
21	"(A) Congress and appropriate Federal
22	agencies; and
23	"(B) States for further distribution to ap-
24	propriate local authorities.

1	"(3) Adoption of practices, laws, and or-
2	DINANCES.—The Secretary shall encourage Federal
3	agencies and State and local governments to adopt
4	and implement appropriate practices, laws, and ordi-
5	nances, as identified in the report, to address the
6	risks and hazards associated with encroachment
7	upon pipeline rights-of-way.".
8	SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,
9	AND DEMONSTRATION.
10	(a) Establishment of Cooperative Program.—
11	(1) In General.—The Secretary of Energy, in
12	cooperation with the Secretary of Transportation
13	and the Director of the National Institute of Stand-
14	ards and Technology, shall develop and implement a
15	program of research, development, demonstration,
16	and standardization to ensure the integrity of energy
17	pipelines and next-generation pipelines.
18	(2) Elements.—The program shall include re-
19	search, development, demonstration, and standard-
20	ization activities related to—
21	(A) materials inspection;
22	(B) stress and fracture analysis, detection
23	of cracks, corrosion, abrasion, and other abnor-
24	malities inside pipelines that lead to pipeline
25	failure, and development of new equipment or

1	technologies that are inserted into pipelines to
2	detect anomalies;
3	(C) internal inspection and leak detection
4	technologies, including detection of leaks at very
5	low volumes;
6	(D) methods of analyzing content of pipe-
7	line throughput;
8	(E) pipeline security, including improving
9	the real-time surveillance of pipeline rights-of-
10	way, developing tools for evaluating and en-
11	hancing pipeline security and infrastructure, re-
12	ducing natural, technological, and terrorist
13	threats, and protecting first response units and
14	persons near an incident;
15	(F) risk assessment methodology, including
16	vulnerability assessment and reduction of third-
17	party damage;
18	(G) communication, control, and informa-
19	tion systems surety;
20	(H) fire safety of pipelines;
21	(I) improved excavation, construction, and
22	repair technologies; and
23	(J) other elements the Secretary of En-
24	ergy, in cooperation with the Secretary of
25	Transportation and the Director of the Na-

1	tional Institute of Standards and Technology,
2	considers appropriate.
3	(3) Activities and capabilities report.—
4	Not later than 6 months after the date of the enact-
5	ment of this Act, the Secretary of Energy, in co-
6	operation with the Secretary of Transportation and
7	the Director of the National Institute of Standards
8	and Technology, shall transmit to the Congress a re-
9	port on the existing activities and capabilities of the
10	Department of Energy, including the national lab-
11	oratories, the Department of Transportation, and
12	the National Institute of Standards and Technology.
13	The report shall include the results of a survey by
14	the Secretary of Energy, in cooperation with the
15	Secretary of Transportation and the Director of the
16	National Institute of Standards and Technology, of
17	any activities of other Federal agencies that are rel-
18	evant to or could supplement existing research, de-
19	velopment, demonstration, and standardization ac-
20	tivities under the program created under this sec-
21	tion.
22	(b) Program Plan.—
23	(1) In general.—Not later than 1 year after
24	the date of the enactment of this Act, the Secretary
25	of Energy, in cooperation with the Secretary of

- Transportation and the Director of the National Institute of Standards and Technology, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. Such program plan shall be submitted to the Pipeline Integrity Technical Advisory Committee established under subsection (c) for review, and the report to Congress shall include the comments of the Advisory Committee. The 5-year program plan shall take into account related activities of all Federal agencies.
 - (2) Consultation.—In preparing the program plan, the Secretary of Energy, in cooperation with the Secretary of Transportation and the Director of the National Institute of Standards and Technology, shall consult with appropriate representatives of State and local government and the private sector, including companies owning energy pipelines and developers of next-generation pipelines, to help establish program priorities.
 - (3) Advice from other entities.—In preparing the program plan, the Secretary of Energy, in cooperation with the Secretary of Transportation and the Director of the National Institute of Standards and Technology, shall also seek the advice of other Federal agencies, utilities, manufacturers, in-

1	stitutions of higher learning, pipeline research insti-
2	tutions, national laboratories, environmental organi-
3	zations, pipeline safety advocates, professional and
4	technical societies, and any other appropriate enti-
5	ties.
6	(c) Pipeline Integrity Technical Advisory
7	COMMITTEE.—
8	(1) Establishment.—The Secretary of En-
9	ergy, in cooperation with the Secretary of Transpor-
10	tation and the Director of the National Institute of
11	Standards and Technology, shall establish and man-
12	age a Pipeline Integrity Technical Advisory Com-
13	mittee (in this subsection referred to as the "Advi-
14	sory Committee"). The Advisory Committee shall be
15	established not later than 6 months after the date
16	of the enactment of this Act.
17	(2) Duties.—The Advisory Committee shall—
18	(A) advise the Secretary of Energy, the
19	Secretary of Transportation, and the Director
20	of the National Institute of Standards and
21	Technology on the development and implemen-
22	tation of the program plan prepared under sub-
23	section (b); and
24	(B) have a continuing role in evaluating
25	the progress and results of research, develop-

1	ment, demonstration, and standardization ac-
2	tivities carried out under this section.
3	(3) Membership.—
4	(A) APPOINTMENT.—The Advisory Com-
5	mittee shall be composed of—
6	(i) 3 members appointed by the Sec-
7	retary of Energy;
8	(ii) 3 members appointed by the Sec-
9	retary of Transportation; and
10	(iii) 3 members appointed by the Di-
11	rector of the National Institute of Stand-
12	ards and Technology.
13	In making appointments, the Secretary of En-
14	ergy, the Secretary of Transportation, and the
15	Director of the National Institute of Standards
16	and Technology shall seek recommendations
17	from the National Academy of Sciences.
18	(B) QUALIFICATIONS.—Members ap-
19	pointed to the Advisory Committee shall have
20	experience or be technically qualified, by train-
21	ing or knowledge, in the operations of the pipe-
22	line industry, and have experience in the re-
23	search and development of pipeline or related
24	technologies.

1	(C) Compensation.—The members of the
2	Advisory Committee shall serve without com-
3	pensation, but shall receive travel expenses, in-
4	cluding per diem in lieu of subsistence, in ac-
5	cordance with sections 5702 and 5703 of title
6	5, United States Code.
7	(4) Meetings.—The Advisory Committee shall
8	meet at least 4 times each year.
9	(5) TERMINATION.—The Advisory Committee
10	shall terminate 5 years after its establishment.
11	(d) Reports to Congress.—Not later than 1 year
12	after the date of the enactment of this Act, and annually
13	thereafter, the Secretary of Energy, in cooperation with
14	the Secretary of Transportation and the Director of the
15	National Institute of Standards and Technology, shall
16	transmit to the Congress a report on the status and re-
17	sults to date of the implementation of the program plan
18	prepared under subsection (b).
19	(e) Memorandum of Understanding.—Not later
20	than 120 days after the date of the enactment of this Act,
21	the Secretary of Energy, the Secretary of Transportation,
22	and the Director of the National Institute of Standards
23	and Technology shall enter into a memorandum of under-
24	standing detailing their respective responsibilities under
25	this section, consistent with the activities and capabilities

1	identified under subsection (a)(3). The Department of
2	Transportation's responsibilities shall reflect its expertise
3	in pipeline inspection and information systems surety. The
4	Department of Energy's responsibilities shall reflect its ex-
5	pertise in low-volume leak detection and surveillance tech-
6	nologies. The National Institute of Standards and Tech-
7	nology's responsibilities shall reflect its expertise in stand-
8	ards and materials research.
9	(f) Authorization of Appropriations.—
10	(1) In general.—There are authorized to be
11	appropriated—
12	(A) to the Secretary of Energy
13	\$10,000,000;
14	(B) to the Secretary of Transportation
15	\$5,000,000; and
16	(C) to the National Institute of Standards
17	and Technology \$5,000,000,
18	for each of the fiscal years 2003 through 2006 for
19	carrying out this section.
20	(2) General revenue funding.—Any sums
21	appropriated under this subsection shall be derived
22	from general revenues and may not be derived from
23	amounts collected under section 60301 of title 49,
24	United States Code.
25	(g) Definitions.—For purposes of this section—

1	(1) the term "energy pipeline" means a pipeline
2	system used in the transmission or local distribution
3	of natural gas (including liquefied natural gas),
4	crude oil, or refined petroleum products;
5	(2) the term "next-generation pipeline" means
6	a transmission or local distribution pipeline system
7	designed to transmit energy or energy-related prod-
8	ucts, in liquid or gaseous form, other than energy
9	pipelines; and
10	(3) the term "pipeline" means an energy pipe-
11	line or a next-generation pipeline.
12	SEC. 10. CERTIFICATION OF PIPELINE QUALIFICATION
13	PROGRAMS.
14	(a) Certification Program.—
15	(1) In General.—Chapter 601 is further
16	amended by adding at the end the following:
17	"§ 60130. Certification of pipeline qualification pro-
18	grams
19	"(a) In General.—Subject to the requirements of
20	this section, the Secretary of Transportation shall require
21	
	the operator of a pipeline facility to develop and adopt a
22	the operator of a pipeline facility to develop and adopt a qualification program to ensure that the personnel of the
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	qualification program to ensure that the personnel of the

1	"(1) Development.—Not later than 1 year
2	after the date of enactment of this section, the Sec-
3	retary shall ensure that the regulations of the De-
4	partment of Transportation include uniform stand-
5	ards and criteria for qualification programs referred
6	to in subsection (a).
7	"(2) Contents.—The uniform standards and
8	criteria shall include the following:
9	"(A) The establishment of an industry
10	standard on the qualifications of personnel de-
11	scribed in subsection (a).
12	"(B) A requirement that pipeline operators
13	develop and implement written plans and proce-
14	dures to train and evaluate the abilities of per-
15	sonnel described in subsection (a) to meet the
16	industry standard.
17	"(C) A requirement that the plans and
18	procedures adopted by a pipeline operator
19	under subparagraph (B) be certified under sub-
20	section (e).
21	"(c) Development of Qualification Programs
22	BY PIPELINE OPERATORS.—Not later than 2 years after
23	the date of the enactment of this section, the Secretary
24	shall require a pipeline operator to develop and adopt a

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1	qualification program that complies with the uniform
2	standards and criteria described in subsection (b).
3	"(d) Elements of Qualification Programs.—A
4	qualification program adopted by an operator under sub-
5	section (a) shall include, at a minimum, the following ele-
6	ments:
7	"(1) A method for examining or testing the
8	qualifications of personnel described in subsection
9	(a). Such method may not be limited to observation
10	of on-the-job performance, except with respect to
11	tasks for which the Secretary has determined that
12	such observation is the best method of examining or
13	testing qualifications. The Secretary shall ensure
14	that the results of any such observations are docu-
15	mented in writing.
16	"(2) A requirement that the operator complete
17	the qualification of all personnel described in sub-
18	section (a) not later than 18 months after the date
19	of adoption of the qualification program.
20	"(3) A periodic requalification component that
21	provides for examination or testing of personnel in
22	accordance with paragraph (1).
23	"(4) A program to provide training, as appro-

priate, to ensure that individuals performing covered

tasks have the necessary knowledge and skills to

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1	perform the tasks in a manner that ensures the safe
2	operation of pipeline facilities.
3	"(e) Certification of Programs.—
4	"(1) In general.—The Secretary shall certify
5	the qualification program of each pipeline operator.
6	The qualification program of a pipeline operator
7	shall be certified if the operator's program complies
8	with the uniform standards and criteria described in
9	subsection (b) and includes the elements described in
10	paragraphs (1) through (3) of subsection (d).
11	"(2) AGREEMENT OR STATE AUTHORIZATION.—
12	The Secretary may enter into a cooperative agree-
13	ment or contract with a public or private entity, or
14	may authorize a State authority, to conduct certifi-
15	cation evaluations under the program.
16	"(3) Deadline for completion of certifi-
17	CATIONS.—Certifications under this subsection shall
18	be completed not later than 3 years after the date
19	of the enactment of this section.
20	"(4) Inadequate programs.—If the Sec-
21	retary decides that a qualification program is inad-
22	equate for the safe operation of a pipeline facility,
23	the Secretary shall act as under section 60108(a)(2)
24	to require the operator to revise the qualification
25	program.

1	"(5) Program modifications.—If the oper-
2	ator of a pipeline facility seeks to modify signifi-
3	cantly a program that has been certified under this
4	subsection, the operator shall submit the modifica-
5	tions to the Secretary for approval.
6	"(6) Waivers and modifications.—In ac-
7	cordance with section 60118(c), the Secretary may
8	waive or modify any requirement of this section.
9	"(7) Inaction by the secretary.—Notwith-
10	standing any failure of the Secretary to prescribe
11	standards and criteria as described in subsection (b),
12	an operator of a pipeline facility shall develop and
13	adopt a qualification program that complies with the
14	requirement of subsection (b)(2)(B) and includes the
15	elements described in paragraphs (1) through (3) of
16	subsection (d) not later than 2 years after the date
17	of enactment of this section.
18	"(f) COVERED TASK DEFINED.—In this section, the
19	term 'covered task'—
20	"(1) with respect to a gas pipeline facility, has
21	the meaning such term has under section 192.801 of
22	title 49, Code of Federal Regulations, as in effect on
23	the date of enactment of this section; and
24	"(2) with respect to a hazardous liquid pipeline
25	facility, has the meaning such term has under sec-

1	tion 195.501 of such title, as in effect on the date
2	of enactment of this section.
3	"(g) Report.—Not later than 5 years after the date
4	of enactment of this section, the Secretary shall transmit
5	to Congress a report on the status and results to date of
6	the personnel qualification regulations issued under this
7	chapter.".
8	(2) Conforming amendment.—The analysis
9	for chapter 601 is amended by adding at end the fol-
10	lowing:
	"60130. Certification of pipeline qualification programs.".
11	(b) Pilot Program for Certification of Cer-
12	TAIN PIPELINE WORKERS.—
13	(1) In general.—Not later than 36 months
14	after the date of enactment of this Act, the Sec-
15	retary of Transportation shall—
16	(A) develop tests and other requirements
17	for certifying the qualifications of individuals
18	who operate computer-based systems for con-
19	trolling the operations of pipelines; and
20	(B) establish and carry out a pilot pro-
21	gram for 3 pipeline facilities under which the
22	individuals operating computer-based systems
23	for controlling the operations of pipelines at
24	such facilities are required to be certified under

1	the process established under subparagraph
2	(A).
3	(2) Report.—The Secretary shall include in
4	the report required under section 60130(g), as
5	added by subsection (a) of this section, the results
6	of the pilot program. The report shall include—
7	(A) a description of the pilot program and
8	implementation of the pilot program at each of
9	the 3 pipeline facilities;
10	(B) an evaluation of the pilot program, in-
11	cluding the effectiveness of the process for cer-
12	tifying individuals who operate computer-based
13	systems for controlling the operations of pipe-
14	lines;
15	(C) any recommendations of the Secretary
16	for requiring the certification of all individuals
17	who operate computer-based systems for con-
18	trolling the operations of pipelines; and
19	(D) an assessment of the ramifications of
20	requiring the certification of other individuals
21	performing safety-sensitive functions for a pipe-
22	line facility.
23	(3) Definition.—For purposes of this sub-
24	section, the term "computer-based systems" means
25	supervisory control and data acquisition systems.

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1 SEC. 11. ADDITIONAL GAS PIPELINE PROTECTIONS.

- 2 (a) Risk Analysis and Integrity Management
- 3 Programs.—Section 60109 is amended by adding at the
- 4 end the following:
- 5 "(c) Risk Analysis and Integrity Management
- 6 Programs.—
- 7 "(1) REQUIREMENT.—Each operator of a gas 8 pipeline facility shall conduct an analysis of the risks 9 to each facility of the operator in an area identified 10 pursuant to subsection (a)(1), and shall adopt and 11 implement a written integrity management program

for such facility to reduce the risks.

"(2) REGULATIONS.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under this subsection. The regulations shall require the conduct of the risk analysis and adoption of the integrity management program to occur within a time period prescribed by the Secretary, not to exceed 1 year after the issuance of such regulations. The Secretary may satisfy the requirements of this paragraph through the issuance of regulations under this paragraph or under other authority of law.

1	"(3) Minimum requirements of integrity
2	MANAGEMENT PROGRAMS.—An integrity manage-
3	ment program required under paragraph (1) shall
4	include, at a minimum, the following requirements:
5	"(A) A baseline integrity assessment of
6	each of the operator's facilities in areas identi-
7	fied pursuant to subsection (a)(1), to be com-
8	pleted not later than 10 years after the date of
9	the adoption of the integrity management pro-
10	gram, by internal inspection device, pressure
11	testing, direct assessment, or an alternative
12	method that the Secretary determines would
13	provide an equal or greater level of safety.
14	"(B) Subject to paragraph (4), periodic re-
15	inspection of the facility, at a minimum of once
16	every 7 years, using methods described in sub-
17	paragraph (A).
18	"(C) Clearly defined criteria for evaluating
19	the results of inspections conducted under sub-
20	paragraph (B) and for taking actions based on
21	such results.
22	"(D) A method for conducting an analysis
23	on a continuing basis that integrates all avail-
24	able information about the integrity of the facil-

1	ity and the consequences of releases from the
2	facility.
3	"(E) A description of actions to be taken
4	by the operator to promptly address any integ-
5	rity issue raised by an evaluation conducted
6	under subparagraph (C) or the analysis con-
7	ducted under subparagraph (D).
8	"(F) A description of measures to prevent
9	and mitigate the consequences of releases from
10	the facility.
11	"(G) A method for monitoring cathodic
12	protection systems throughout the pipeline sys-
13	tem of the operator.
14	"(H) If the Secretary raises a safety con-
15	cern relating to the facility, a description of the
16	actions to be taken by the operator to address
17	the safety concern, including issues raised with
18	the Secretary by States and local authorities
19	under an agreement entered into under section
20	60106.
21	"(4) Waivers and modifications.—In ac-
22	cordance with section 60118(c), the Secretary may
23	waive or modify any requirement for reinspection of
24	a facility under paragraph (3)(B) for reasons that
25	may include the need to maintain local product sup-

1	ply or the lack of internal inspection devices if the
2	Secretary determines that such waiver is not incon-
3	sistent with pipeline safety.
4	"(5) STANDARDS.—The standards prescribed
5	by the Secretary under paragraph (2) shall address
6	each of the following factors:
7	"(A) The minimum requirements described
8	in paragraph (3).
9	"(B) The type or frequency of inspections
10	or testing of pipeline facilities, in addition to
11	the minimum requirements of paragraph
12	(3)(B).
13	"(C) The manner in which the inspections
14	or testing are conducted.
15	"(D) The criteria used in analyzing results
16	of the inspections or testing.
17	"(E) The types of information sources that
18	must be integrated in assessing the integrity of
19	a pipeline facility as well as the manner of inte-
20	gration.
21	"(F) The nature and timing of actions se-
22	lected to address the integrity of a pipeline fa-
23	cility.
24	"(G) Such other factors as the Secretary
25	determines appropriate to ensure that the integ-

1	rity of a pipeline facility is addressed and that
2	appropriate mitigative measures are adopted to
3	protect areas identified under subsection $(a)(1)$.
4	In prescribing those standards, the Secretary shall
5	ensure that all inspections required are conducted in
6	a manner that minimizes environmental and safety
7	risks, and shall take into account the applicable level
8	of protection established by national consensus
9	standards organizations.
10	"(6) Additional optional standards.—The
11	Secretary may also prescribe standards requiring an
12	operator of a pipeline facility to include in an integ-
13	rity management program under this subsection—
14	"(A) changes to valves or the establish-
15	ment or modification of systems that monitor
16	pressure and detect leaks based on the opera-
17	tor's risk analysis; and
18	"(B) the use of emergency flow restricting
19	devices.
20	"(7) Inaction by the secretary.—Notwith-
21	standing any failure of the Secretary to prescribe
22	standards as described in paragraph (2), an operator
23	of a pipeline facility shall conduct a risk analysis
24	and adopt and implement an integrity management
25	program under paragraph (1) not later than 30

1	months after the date of the enactment of this sub-
2	section.
3	"(8) REVIEW OF INTEGRITY MANAGEMENT
4	PROGRAMS.—
5	"(A) REVIEW OF PROGRAMS.—
6	"(i) In General.—The Secretary
7	shall review a risk analysis and integrity
8	management program under paragraph (1)
9	and record the results of that review for
10	use in the next review of an operator's pro-
11	gram.
12	"(ii) Context of Review.—The Sec-
13	retary may conduct a review under clause
14	(i) as an element of the Secretary's inspec-
15	tion of an operator.
16	"(iii) Inadequate programs.—If
17	the Secretary determines that a risk anal-
18	ysis or integrity management program does
19	not comply with the requirements of this
20	subsection or regulations issued as de-
21	scribed in paragraph (2), or is inadequate
22	for the safe operation of a pipeline facility,
23	the Secretary shall act under section
24	60108(a)(2) to require the operator to re-

1	vise the risk analysis or integrity manage-
2	ment program.
3	"(B) Amendments to programs.—In
4	order to facilitate reviews under this paragraph,
5	an operator of a pipeline facility shall notify the
6	Secretary of any amendment made to the oper-
7	ator's integrity management program not later
8	than 30 days after the date of adoption of the
9	amendment.
10	"(C) Transmittal of programs to
11	STATE AUTHORITIES.—The Secretary shall pro-
12	vide a copy of each risk analysis and integrity
13	management program reviewed by the Secretary
14	under this paragraph to any appropriate State
15	authority with which the Secretary has entered
16	into an agreement under section 60106.
17	"(9) STATE REVIEW OF INTEGRITY MANAGE-
18	MENT PLANS.—A State authority that enters into an
19	agreement pursuant to section 60106, permitting the
20	State authority to review the risk analysis and integ-
21	rity management program pursuant to paragraph
22	(8), may provide the Secretary with a written assess-
23	ment of the risk analysis and integrity management
24	program, make recommendations, as appropriate, to
25	address safety concerns not adequately addressed by

1	the operator's risk analysis or integrity management
2	program, and submit documentation explaining the
3	State-proposed revisions. The Secretary shall con-
4	sider carefully the State's proposals and work in
5	consultation with the States and operators to ad-
6	dress safety concerns.
7	"(10) Application of standards.—Section
8	60104(b) shall not apply to this section.".
9	(b) Integrity Management Regulations.—Sec-
10	tion 60109 is further amended by adding at the end the
11	following:
12	"(d) Evaluation of Integrity Management
13	REGULATIONS.—Not later than 5 years after the date of
14	enactment of this subsection, the Secretary shall complete
15	an assessment and evaluation of the effects on public safe-
16	ty and the environment of the requirements for the imple-
17	mentation of integrity management programs contained in
18	the standards prescribed as described in subsection
19	(e)(2).".
20	(c) Conforming Amendment.—Section 60118(a) is
21	amended—
22	(1) by striking "and" at the end of paragraph
23	(2);
24	(2) by striking the period at the end of para-
25	graph (3) and inserting "; and"; and

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1	(3) by adding at the end the following:
2	"(4) conduct a risk analysis, and adopt and im-
3	plement an integrity management program, for pipe-
4	line facilities as required under section 60109(c).".
5	(d) Study of Reinspection Intervals.—
6	(1) Study.—The Secretary of Transportation
7	shall conduct a study to evaluate the 7-year rein-
8	spection interval required by section 60109(c)(3)(B)
9	of title 49, United States Code, as added by sub-
10	section (a) of this section.
11	(2) Report.—Not later than 7 years after the
12	date of the enactment of this Act, the Secretary
13	shall transmit to Congress a report on the results of
14	the study conducted under paragraph (1).
15	SEC. 12. SECURITY OF PIPELINE FACILITIES.
16	(a) In General.—Chapter 601 is further amended
17	by adding at the end the following:
18	"§ 60131. Security of pipeline facilities
19	"(a) Terrorism Security Programs.—
20	"(1) In general.—Subject to the require-
21	ments of this subsection, the Secretary of Transpor-
22	tation shall require the operator of a pipeline facility
23	to develop and implement a terrorism security pro-
24	gram approved under paragraph (3).
25	"(2) Contents of programs —

1	"(A) In General.—A terrorism security
2	program of a pipeline operator shall consist of
3	written procedures to follow and actions to take
4	in the event of a terrorist attack on a pipeline
5	facility or an attack on other infrastructure fa-
6	cilities in the United States. Such procedures
7	shall include procedures for communicating
8	with military, law enforcement, emergency serv-
9	ice, and other appropriate State and local gov-
10	ernment and non-government entities.
11	"(B) STANDARD.—A terrorism security
12	program of a pipeline operator shall require the
13	operator to establish and implement reasonable
14	procedures to safeguard the pipeline facility and
15	safely maintain its operations, and to safeguard
16	pipeline workers.
17	"(3) Approval of Programs.—Not later than
18	1 year after the date of enactment of this section,
19	the Secretary shall conduct a review of, and approve
20	or disapprove, the terrorism security program of
21	each pipeline operator. The Secretary shall prescribe
22	procedures for the review and standards for the ap-
23	proval of such programs.
24	"(b) Technical Assistance.—The Secretary may
25	provide technical assistance to an operator of a pipeline

1	facility, or to State, tribal, or local officials, to prevent
2	or respond to acts of terrorism that may affect the pipeline
3	facility. Such technical assistance may include at a
4	minimum—
5	"(1) actions by the Secretary that support the
6	use of National Guard or State or Federal personnel
7	to provide additional security for a pipeline facility
8	at risk of terrorist attack or in response to such an
9	attack;
10	"(2) use of resources available to the Secretary
11	to develop and implement security measures for a
12	pipeline facility;
13	"(3) identification of security issues with re-
14	spect to the operation of a pipeline facility; and
15	"(4) the provision of information and guidance
16	on security practices that prevent damage to pipeline
17	facilities from terrorist attacks.".
18	(b) Conforming Amendment.—The analysis for
19	chapter 601 is amended by adding at the end the fol-

"60131. Security of pipeline facilities.".

20 lowing:

21 SEC. 13. NATIONAL PIPELINE MAPPING SYSTEM.

- 22 (a) IN GENERAL.—Chapter 601 is further amended
- 23 by adding at the end the following:

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ı	~960132.	National	pipeline	mapping	system
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- 2 "(a) Information To Be Provided.—Not later than 6 months after the date of enactment of this section, the operator of a pipeline facility shall provide to the Sec-4 5 retary of Transportation the following information with respect to the facility: 6 7 "(1) Geospatial data appropriate for use in the 8 National Pipeline Mapping System or data in a for-9 mat that can be readily converted to geospatial data. 10 "(2) The name and address of the person with 11 primary operational control to be identified as its op-12 erator for purposes of this chapter. "(3) A means for a member of the public to 13 14 contact the operator for additional information 15 about the pipeline facilities it operates. 16 "(b) UPDATES.—A person providing information under subsection (a) shall provide to the Secretary up-17 18 dates of the information to reflect changes in the pipeline 19 facility owned or operated by the person and as otherwise 20 required by the Secretary. 21 "(c) Technical Assistance To Improve Local RESPONSE CAPABILITIES.—The Secretary may provide
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- technical assistance to State and local officials to improve 23
- local response capabilities for pipeline emergencies by
- 25 adapting information available through the National Pipe-

- 1 line Mapping System to software used by emergency re-
- 2 sponse personnel responding to pipeline emergencies.".
- 3 (b) Conforming Amendment.—The analysis for
- 4 chapter 601 is amended by adding at the end the fol-
- 5 lowing:

"60132. National pipeline mapping system.".

6 SEC. 14. COORDINATION OF ENVIRONMENTAL REVIEWS.

- 7 (a) IN GENERAL.—Chapter 601 is further amended
- 8 by adding at the end the following:

9 "§ 60133. Coordination of environmental reviews

- 10 "(a) Interagency Committee.—
- 11 "(1) ESTABLISHMENT AND PURPOSE.—Not
- later than 30 days after the date of enactment of
- this section, the President shall establish an Inter-
- agency Committee to develop and ensure implemen-
- tation of a coordinated environmental review and
- permitting process in order to enable pipeline opera-
- tors to commence and complete all activities nec-
- essary to carry out pipeline repairs within any time
- periods specified by rule by the Secretary.
- 20 "(2) MEMBERSHIP.—The Chairman of the
- 21 Council on Environmental Quality (or a designee of
- the Chairman) shall chair the Interagency Com-
- 23 mittee, which shall consist of representatives of Fed-
- eral agencies with responsibilities relating to pipeline

I	repair projects, including each of the following per-
2	sons (or a designee thereof):
3	"(A) The Secretary of Transportation.
4	"(B) The Administrator of the Environ-
5	mental Protection Agency.
6	"(C) The Director of the United States
7	Fish and Wildlife Service.
8	"(D) The Director of the National Marine
9	Fisheries Service.
10	"(E) The Director of the Bureau of Land
11	Management.
12	"(F) The Director of the Minerals Man-
13	agement Service.
14	"(G) The Assistant Secretary of the Army
15	for Civil Works.
16	"(H) The Chairman of the Federal Energy
17	Regulatory Commission.
18	"(3) EVALUATION.—The Interagency Com-
19	mittee shall evaluate Federal permitting require-
20	ments to which access, excavation, and restoration
21	activities in connection with pipeline repairs de-
22	scribed in paragraph (1) may be subject. As part of
23	its evaluation, the Interagency Committee shall ex-
24	amine the access, excavation, and restoration prac-
25	tices of the pipeline industry in connection with such

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1	pipeline repairs, and may develop a compendium of
2	best practices used by the industry to access, exca-
3	vate, and restore the site of a pipeline repair.
4	"(4) Memorandum of understanding.—
5	Based upon the evaluation required under paragraph
6	(3) and not later than 1 year after the date of enact-
7	ment of this section, the members of the Interagency
8	Committee shall enter into a memorandum of under-
9	standing to provide for a coordinated and expedited
10	pipeline repair permit review process in order to en-
11	able pipeline operators to commence and complete
12	all activities necessary to carry out pipeline repairs
13	within any time periods specified by rule by the Sec-
14	retary.
15	"(5) State and local consultation.—In
16	carrying out this subsection, the Interagency Com-
17	mittee shall consult with appropriate State and local
18	environmental, pipeline safety, and emergency re-
19	sponse officials, and such other officials as the Inter-
20	agency Committee considers appropriate.
21	"(b) Implementation.—Not later than 180 days
22	after the completion of the memorandum of understanding
23	required under subsection (a)(4), each agency represented

24 on the Interagency Committee shall revise its regulations

1	as necessary to implement the provisions of the memo-
2	randum of understanding.
3	"(c) Savings Provisions; No Preemption.—Noth-
4	ing in this section shall be construed—
5	"(1) to require a pipeline operator to obtain a
6	Federal permit, if no Federal permit would other-
7	wise have been required under Federal law; or
8	"(2) to preempt applicable Federal, State, or
9	local environmental law.
10	"(d) Interim Operational Alternatives.—
11	"(1) In general.—Not later than 30 days
12	after the date of enactment of this section, and sub-
13	ject to the limitations in paragraph (2), the Sec-
14	retary of Transportation shall revise the regulations
15	of the Department, to the extent necessary, to per-
16	mit a pipeline operator subject to time periods for
17	repair specified by rule by the Secretary to imple-
18	ment alternative mitigation measures until all appli-
19	cable permits have been granted.
20	"(2) Limitations.—The regulations issued by
21	the Secretary pursuant to this subsection shall not
22	allow an operator to implement alternative mitiga-
23	tion measures pursuant to paragraph (1) unless—
24	"(A) allowing the operator to implement
25	such measures would be consistent with the

1	protection of human health, public safety, and
2	the environment;
3	"(B) the operator, with respect to a par-
4	ticular repair project, has applied for and is
5	pursuing diligently and in good faith all re-
6	quired Federal, State, and local permits to
7	carry out the project; and
8	"(C) the proposed alternative mitigation
9	measures are not incompatible with pipeline
10	safety.
11	"(e) Ombudsman.—The Secretary shall designate an
12	ombudsman to assist in expediting pipeline repairs and re-
13	solving disagreements between Federal, State, and local
14	permitting agencies and the pipeline operator during agen-
15	cy review of any pipeline repair activity, consistent with
16	protection of human health, public safety, and the environ-
17	ment.
18	"(f) STATE AND LOCAL PERMITTING PROCESSES.—
19	The Secretary shall encourage States and local govern-
20	ments to consolidate their respective permitting processes
21	for pipeline repair projects subject to any time periods for
22	repair specified by rule by the Secretary. The Secretary
23	may request other relevant Federal agencies to provide
24	technical assistance to States and local governments for
25	the purpose of encouraging such consolidation.".

1	(b) Conforming Amendment.—The analysis for
2	chapter 601 is amended by adding at the end the fol-
3	lowing:
	"60133. Coordination of environmental reviews.".
4	SEC. 15. PUBLIC RIGHT TO KNOW AND PIPELINE SECURITY-
5	SENSITIVE INFORMATION.
6	Section 60102 is amended by adding at the end the
7	following new subsection:
8	"(m) Public Right To Know and Pipeline Secu-
9	RITY-SENSITIVE INFORMATION.—
10	"(1) Public Release.—The Secretary shall
11	provide, by rule not later than 1 year after the date
12	of the enactment of this subsection, for the public
13	release, except as otherwise provided under this sub-
14	section, of the following information for each pipe-
15	line facility regulated under this chapter:
16	"(A) The business name, address, and tele-
17	phone number of the facility owner or operator.
18	"(B) A summary description of the pipe-
19	line system, including a general system map
20	and a description of any product the facility
21	transports, the length of the system, and origin
22	and termination points.
23	"(C) State and local emergency response
24	information.

1	"(D) Any inspection and maintenance in-
2	formation received by the Secretary under this
3	chapter that the Secretary, under paragraph
4	(2), determines is appropriate for release to the
5	public.
6	The Secretary shall determine the appropriate form
7	of release of information under this subsection, and
8	shall consider whether the release of such informa-
9	tion on a per pipeline basis would be useful to com-
10	munities and persons located near pipelines or pipe-
11	line rights-of-way and would not be unduly burden-
12	some to operators.
13	"(2) Inspection and maintenance informa-
14	TION.—As part of the rule required under paragraph
15	(1), the Secretary shall determine what inspection
16	and maintenance information received by the Sec-
17	retary under this chapter is appropriate for release
18	to the public under paragraph (1)(D). In making
19	such determination, the Secretary shall give strong
20	consideration to the public release of the following:
21	"(A) A description of periodic testing
22	methods used on the pipeline and the frequency
23	of such testing.

1	"(B) A summary of the results of periodic
2	testing of the pipeline, including any defects de-
3	tected and actions taken to address the defects.
4	"(C) A description of the leak detection
5	system in use on the pipeline and its sensitivity.
6	"(D) A 5-year incident history for the
7	pipeline.
8	"(E) An inspection and enforcement his-
9	tory for the pipeline.
10	"(F) If applicable, a summary of integrity
11	management program actions related to the
12	pipeline.
13	"(3) Protection of Security-Sensitive in-
14	FORMATION.—As part of the rule required under
15	paragraph (1), the Secretary shall provide for the
16	modification or waiver of the requirement of para-
17	graph (1) with respect to any of the information de-
18	scribed in that paragraph if the Secretary finds that
19	the public release of such information would pose a
20	risk to the security of a pipeline system.
21	"(4) Freedom of information act excep-
22	TION.—The Secretary shall not release under this
23	subsection any information that is a trade secret or
24	commercial or financial information and privileged

- or confidential under section 552 of title 5, United
 States Code.
- 3 "(5) Challenge to release.—The rule re-
- 4 quired under paragraph (1) shall include a proce-
- 5 dure under which individuals providing information
- 6 the Secretary proposes to release under this sub-
- 7 section may challenge the release of such informa-
- 8 tion.".

9 SEC. 16. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

- Within 1 year after the date of the enactment of this
- 11 Act, the Secretary of Transportation shall, in conjunction
- 12 with the Federal Communications Commission, facility op-
- 13 erators, excavators, and one-call notification system opera-
- 14 tors, provide for the establishment of a 3-digit nationwide
- 15 toll-free telephone number system to be used by State one-
- 16 call notification systems.

17 SEC. 17. RECOMMENDATIONS AND RESPONSES.

- 18 (a) In General.—Chapter 601 is amended by add-
- 19 ing at the end the following:

20 "§ 60134. Recommendations and responses

- 21 "(a) Response Requirement.—Whenever the Of-
- 22 fice of Pipeline Safety has received recommendations from
- 23 the National Transportation Safety Board regarding pipe-
- 24 line safety, it shall submit a formal written response to
- 25 each such recommendation within 90 days after receiving

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1	the recommendation. The response shall indicate whether
2	the Office intends—
3	"(1) to carry out procedures to adopt the com-
4	plete recommendations;
5	"(2) to carry out procedures to adopt a part of
6	the recommendations; or
7	"(3) to refuse to carry out procedures to adopt
8	the recommendations.
9	"(b) Timetable for Completing Procedures
10	AND REASONS FOR REFUSALS.—A response under sub-
11	section (a)(1) or (2) shall include a copy of a proposed
12	timetable for completing the procedures. A response under
13	subsection (a)(2) shall detail the reasons for the refusal
14	to carry out procedures on the remainder of the rec-
15	ommendations. A response under subsection (a)(3) shall
16	detail the reasons for the refusal to carry out procedures
17	to adopt the recommendations.
18	"(c) Public Availability.—The Office shall make
19	a copy of each recommendation and response available to
20	the public, including in electronic form.
21	"(d) Reports to Congress.—The Office shall sub-

- 22 mit to Congress on January 1 of each year a report de-
- scribing each recommendation on pipeline safety made by
- 24 the National Transportation Safety Board to the Office

- 1 during the prior year and the Office's response to each
- 2 recommendation.".
- 3 (b) Conforming Amendment.—The analysis for
- 4 chapter 601 is amended by adding at the end the fol-
- 5 lowing:

"60134. Recommendations and responses.".

6 SEC. 18. MISCELLANEOUS AMENDMENTS.

- 7 (a) Protection of Public Health, Welfare,
- 8 AND THE ENVIRONMENT.—Section 60102(a)(1) is amend-
- 9 ed by inserting "in order to protect public health and wel-
- 10 fare and the environment from reasonably anticipated
- 11 threats that could be posed by such transportation and
- 12 facilities" after "and for pipeline facilities".
- 13 (b) Conflicts of Interest.—Section 60115(b)(4)
- 14 is amended by adding at the end the following new sub-
- 15 paragraph:
- 16 "(D) None of the individuals selected for a committee
- 17 under paragraph (3)(C) may have a significant financial
- 18 interest in the pipeline, petroleum, or gas industry.".

19 SEC. 19. TECHNICAL AMENDMENTS.

- 20 Chapter 601 is amended—
- 21 (1) in section 60102(a)—
- (A) by striking "(a)(1)" and all that fol-
- lows through "The Secretary of Transpor-
- tation" and inserting the following:
- 25 "(a) Minimum Safety Standards.—

1	"(1) In General.—The Secretary of Transpor-
2	tation";
3	(B) by moving the remainder of the text of
4	paragraph (1), including subparagraphs (A)
5	and (B) but excluding subparagraph (C), 2 ems
6	to the right; and
7	(C) in paragraph (2) by inserting "Quali-
8	FICATIONS OF PIPELINE OPERATORS.—" before
9	"The qualifications";
10	(2) in section 60110(b) by striking "cir-
11	cumstances" and all that follows through "operator"
12	and inserting the following: "circumstances, if any,
13	under which an operator";
14	(3) in section 60114 by redesignating sub-
15	section (d) as subsection (c);
16	(4) in section 60122(a) by striking "section
17	60114(e)" and inserting "section 60114(b)"; and
18	(5) in section 60123(a) by striking "60114(c)"
19	and inserting "60114(b)".
20	SEC. 20. AUTHORIZATION OF APPROPRIATIONS.
21	(a) Gas and Hazardous Liquid.—Section
22	60125(a) is amended to read as follows:
23	"(a) Gas and Hazardous Liquid.—To carry out
24	this chapter (except for section 60107) related to gas and

1	hazardous liquid, the following amounts are authorized to
2	be appropriated to the Department of Transportation:
3	"(1) \$45,800,000 for fiscal year 2003, of which
4	\$31,900,000 is to be derived from user fees for fis-
5	cal year 2003 collected under section 60301 of this
6	title.
7	"(2) \$46,800,000 for fiscal year 2004, of which
8	\$35,700,000 is to be derived from user fees for fis-
9	cal year 2004 collected under section 60301 of this
10	title.
11	"(3) \$47,100,000 for fiscal year 2005, of which
12	\$41,100,000 is to be derived from user fees for fis-
13	cal year 2005 collected under section 60301 of this
14	title.
15	"(4) \$50,000,000 for fiscal year 2006, of which
16	\$45,000,000 is to be derived from user fees for fis-
17	cal year 2006 collected under section 60301 of this
18	title.".
19	(b) State Grants.—Section 60125 is amended—
20	(1) by striking subsections (b), (d), and (f) and
21	redesignating subsections (c) and (e) as subsections
22	(b) and (d), respectively; and
23	(2) in subsection (b)(1) (as so redesignated) by
24	striking subparagraphs (A) through (H) and insert-
25	ing the following:

1	"(A) $$19,800,000$ for fiscal year 2003, of which
2	\$14,800,000 is to be derived from user fees for fis-
3	cal year 2003 collected under section 60301 of this
4	title.
5	"(B) $$21,700,000$ for fiscal year 2004, of which
6	\$16,700,000 is to be derived from user fees for fis-
7	cal year 2004 collected under section 60301 of this
8	title.
9	"(C) $$24,600,000$ for fiscal year 2005, of which
10	\$19,600,000 is to be derived from user fees for fis-
11	cal year 2005 collected under section 60301 of this
12	title.
13	"(D) $\$26,500,000$ for fiscal year 2006, of which
14	\$21,500,000 is to be derived from user fees for fis-
15	cal year 2006 collected under section 60301 of this
16	title.".
17	(c) Conforming Amendment.—Section 60125(d)
18	(as redesignated by subsection $(b)(1)$ of this section) is
19	amended by striking "or (b) of this section".
20	SEC. 21. INSPECTIONS BY DIRECT ASSESSMENT.
21	Section 60102, as amended by this Act, is further
22	amended by adding at the end the following new sub-
23	section:
24	"(n) Inspections by Direct Assessment.—Not
25	later than 1 year after the date of the enactment of this

- 1 subsection, the Secretary shall issue regulations pre-
- 2 scribing standards for inspection of a pipeline facility by
- 3 direct assessment.".